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## 2019 FL H 311

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### CHAPTER 2019-101

#### Committee Substitute for House Bill No. 311

An act relating to autonomous vehicles; amending s. 316.003, F.S.; revising and providing definitions; amending ss. 316.062, 316.063, 316.065, and 316.1975, F.S.; providing applicability; amending s. 316.303, F.S.; exempting a vehicle being operated with the automated driving system engaged from a prohibition on the active display of television or video; amending s. 316.305, F.S.; exempting a motor vehicle operator who is operating an autonomous vehicle from a prohibition on the use of wireless communications devices; amending s. 316.85, F.S.; providing that a licensed human operator is not required to operate a fully autonomous vehicle; authorizing a fully autonomous vehicle to operate in this state regardless of whether a human operator is physically present in the vehicle; requiring the automated driving system to be deemed to be the operator of an autonomous vehicle operating with the automated driving system engaged; providing construction; providing requirements for operation of on-demand autonomous vehicle networks; providing insurance requirements; authorizing an autonomous or fully autonomous vehicle equipped with a teleoperation system to operate without a human operator physically present in the vehicle when the system is engaged; providing application to certain statutory provisions; providing for uniformity of laws governing autonomous vehicles; providing construction with respect to certain fees charged and staging or pickup locations designated by an airport or seaport; amending s. 319.145, F.S.; revising requirements for autonomous vehicles registered in this state; creating s. 322.015, F.S.; providing applicability; amending s. 338.2216, F.S.; authorizing the Florida Turnpike Enterprise to enter into agreements to fund, construct, and operate certain facilities; amending ss. 339.175, 339.64, 339.83, and 627.0653, F.S.; conforming provisions to changes made by the act; creating s. 627.749, F.S.; providing definitions; providing insurance requirements for autonomous vehicles; amending s. 655.960, F.S.; conforming a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (48) through (86) and (87) through (101) of section 316.003, Florida Statutes, are renumbered as subsections (49) through (87) and (89) through (103), respectively, present subsections (3) and (59) are amended, and new subsections (48) and (88) are added to that section, to read:

316.003 Definitions.-- The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(3) AUTOMATED DRIVING SYSTEM ~~AUTONOMOUS VEHICLE~~-- The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain. The term:

(a) "Autonomous vehicle" means any vehicle equipped with an automated driving system.

(b) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

(c) "Fully autonomous vehicle" means a vehicle equipped with an automated driving system designed to function without autonomous technology. The term "autonomous technology" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without active control or monitoring by a human operator.

(d) "Operational design domain" means a description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.

(48) ON-DEMAND AUTONOMOUS VEHICLE NETWORK.-- A passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.

(60) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.-- Except as otherwise provided in paragraph ~~(82)(b)~~ ~~(81)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(88) TELEOPERATION SYSTEM.-- The hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term "remote human operator" means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition as defined in s. 319.145(2). A remote human operator must be physically present in the United States and be licensed to operate a motor vehicle by a United States jurisdiction.

Section 2. Subsection (5) is added to section 316.062, Florida Statutes, to read:

316.062 Duty to give information and render aid.--

(5) This section does not apply to a fully autonomous vehicle operating with the automated driving system engaged in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the vehicle owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 3. Subsection (4) is added to section 316.063, Florida Statutes, to read:

316.063 Duty upon damaging unattended vehicle or other property.--

(4) This section does not apply to a fully autonomous vehicle operating with the automated driving system engaged in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the vehicle owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 4. Subsection (5) is added to section 316.065, Florida Statutes, to read:

316.065 Crashes; reports; penalties.--

(5) Subsection (1) does not apply to a fully autonomous vehicle operating with the automated driving system engaged in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the vehicle owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 5. Subsection (3) is added to section 316.1975, Florida Statutes, to read:

316.1975 Unattended motor vehicle.--

(3) This section does not apply to a fully autonomous vehicle operating with the automated driving system engaged.

Section 6. Section 316.303, Florida Statutes, is amended to read:

316.303 Television receivers.--

(1) ~~A No~~ motor vehicle may not be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver's seat while the vehicle is in motion, unless the vehicle is ~~equipped with autonomous technology, as defined in s. 316.003(3), and is~~ being operated with the automated driving system engaged in autonomous mode, as provided in s. 316.85(2).

(2) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes, provided such use is approved by the department.

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; an electronic display used by an operator of an autonomous a vehicle ~~equipped with autonomous technology~~, as defined in s. 316.003(3); or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 7. Paragraph (b) of subsection (3) of section 316.305, Florida Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.--

(3)

(b) Paragraph (a) does not apply to a motor vehicle operator who is:

1. Performing official duties as an operator of an authorized emergency vehicle as defined in s. 322.01, a law enforcement or fire service professional, or an emergency medical services professional.

2. Reporting an emergency or criminal or suspicious activity to law enforcement authorities.

## 3. Receiving messages that are:

- a. Related to the operation or navigation of the motor vehicle;
- b. Safety-related information, including emergency, traffic, or weather alerts;
- c. Data used primarily by the motor vehicle; or
- d. Radio broadcasts.

## 4. Using a device or system for navigation purposes.

5. Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function.

6. Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function.

7. Operating an autonomous vehicle, as defined in s. 316.003(3), ~~s. 316.003~~, with the automated driving system engaged in autonomous mode.

Section 8. Section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation; compliance with traffic and motor vehicle laws; testing .--

(1) Notwithstanding any other law, a licensed human operator is not required to operate a fully autonomous vehicle ~~A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology;~~ as defined in s. 316.003(3), ~~s. 316.003~~.

(2) A fully autonomous vehicle may operate in this state regardless of whether a human operator is physically present in the vehicle.

(3)(a) (2) For purposes of this chapter, unless the context otherwise requires, the automated driving system, when engaged, a ~~person~~ shall be deemed to be the operator of an autonomous vehicle ~~operating in autonomous mode when the person causes the vehicle's autonomous technology to engage~~, regardless of whether a ~~the~~ person is physically present in the vehicle while the vehicle is operating with the automated driving system engaged in autonomous mode.

(b) Unless otherwise provided by law, applicable traffic or motor vehicle laws of this state may not be construed to:

1. Prohibit the automated driving system from being deemed the operator of an autonomous vehicle operating with the automated driving system engaged.

2. Require a licensed human operator to operate a fully autonomous vehicle.

(4) An on-demand autonomous vehicle network shall operate pursuant to state laws governing the operation of transportation network companies and transportation network company vehicles as defined in s. 627.748, except that any provision of s. 627.748 that reasonably applies only to a human driver does not apply to the operation of a fully autonomous vehicle with the automated driving system engaged while logged on to an on-demand autonomous vehicle network. A fully autonomous vehicle with the automated driving system engaged while logged on to an on-demand autonomous vehicle network must meet the insurance requirements in s. 627.749.

(5) Notwithstanding any other provision of this chapter, an autonomous vehicle or a fully autonomous vehicle equipped with a teleoperation system may operate without a human operator physically present in the vehicle when the teleoperation system is engaged. A vehicle that is subject to this subsection must meet the requirements of s. 319.145 and is considered a vehicle that meets the definition provided in s. 316.003(3)(c) for the purposes of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and 316.303(1).

(6) It is the intent of the Legislature to provide for uniformity of laws governing autonomous vehicles throughout the state. A local government may not impose any tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services. This subsection does not prohibit an airport or a seaport from charging reasonable fees consistent with any fees charged to companies that provide similar services at that airport or seaport for their use of the airport's or seaport's facilities, nor does it prohibit the airport or seaport from designating locations for staging, pickup, or other similar operations at the airport or seaport.

Section 9. Section 319.145, Florida Statutes, is amended to read:

319.145 Autonomous vehicles.--

(1) An autonomous vehicle registered in this state must ~~continue to~~ meet all of the following requirements:

(a) When required by federal law:

1. Have been certified in accordance with federal regulations in 49 C.F.R. part 567 as being in compliance with applicable federal motor vehicle safety standards.

2. Bear the required certification label or labels including reference to any exemption granted under applicable federal law.

(b) Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, regardless of whether the vehicle is operating with the automated driving system engaged.

~~(2) If the autonomous vehicle is not fully autonomous, applicable federal standards and regulations for such motor vehicle, the vehicle must:~~

~~(a) have a system to safely alert a licensed human the operator physically present in the vehicle if an automated driving system autonomous technology failure is detected while the automated driving system autonomous technology is engaged. When an alert is given, the system must:~~

~~1. require the licensed human operator to take control of the autonomous vehicle; or must achieve a minimal risk condition. The term "minimal risk condition" means a reasonably safe state, such as bringing the vehicle to a complete stop and activating the vehicle's hazard lamps.~~

~~(3) If the autonomous vehicle is fully autonomous, it must be able to achieve a minimal risk condition if a failure of the automated driving system occurs which renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain.~~

~~2. If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop.~~

~~(b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.~~

~~(c) Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.~~

~~(4) (2) Federal regulations promulgated by the National Highway Traffic Safety Administration shall supersede this section when found to be in conflict with this section.~~

Section 10. Section 322.015, Florida Statutes, is created to read:

322.015 Exemption.-- This chapter does not apply when a fully autonomous vehicle is operated with the automated driving system engaged and without a human operator.

Section 11. Paragraph (f) is added to subsection (1) of section 338.2216, Florida Statutes, to read:

338.2216 Florida Turnpike Enterprise; powers and authority.--

(1)

(f) The Florida Turnpike Enterprise may enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for the purposes of improving safety and decreasing congestion for the traveling public. Such agreements may include terms that authorize a private entity to sell or provide products or business opportunities at the facilities which benefit the traveling public, provide additional revenue, or otherwise advance the enterprise's objectives as set forth in the Florida Transportation Code.

Section 12. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.--

(7) LONG-RANGE TRANSPORTATION PLAN.-- Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems ~~autonomous technology~~ and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation,

representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 13. Paragraph (c) of subsection (3) and paragraph (a) of subsection (4) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.--

(3)

(c) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems ~~autonomous technology~~ and other developments, in Strategic Intermodal System facilities.

(4) The Strategic Intermodal System Plan shall include the following:

(a) A needs assessment that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems ~~autonomous technology~~ and other developments.

Section 14. Section 339.83, Florida Statutes, is amended to read:

339.83 Enrollment in federal pilot programs.-- The Secretary of Transportation may enroll the State of Florida in any federal pilot program or project for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, automated driving systems ~~autonomous vehicle technology~~, or capacity challenges.

Section 15. Subsection (6) of section 627.0653, Florida Statutes, is amended to read:

627.0653 Insurance discounts for specified motor vehicle equipment.--

(6) The Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy filed with the office if the insured vehicle is equipped with an automated driving system ~~autonomous driving technology~~ or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system and that complies with National Highway Traffic Safety Administration standards.

Section 16. Section 627.749, Florida Statutes, is created to read:

627.749 Autonomous vehicles; insurance requirements.--

(1) DEFINITIONS.-- As used in this section, the term:

(a) "Automated driving system" has the same meaning as provided in s. 316.003.

(b) "Autonomous vehicle" has the same meaning as provided in s. 316.003(3).

(c) "Fully autonomous vehicle" has the same meaning as provided in s. 316.003(3).

(d) "On-demand autonomous vehicle network" has the same meaning as provided in s. 316.003.

(2) INSURANCE REQUIREMENTS.--

(a) A fully autonomous vehicle with the automated driving system engaged while logged on to an on-demand autonomous vehicle network or engaged in a prearranged ride must be covered by a policy of automobile insurance which provides:

1. Primary liability coverage of at least \$1 million for death, bodily injury, and property damage.

2. Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405.

3. Uninsured and underinsured vehicle coverage as required by s. 627.727.

(b) The coverage requirements of paragraph (a) may be satisfied by:

1. Automobile insurance maintained by the owner of a fully autonomous vehicle with the automated driving system engaged while logged on to an on-demand autonomous vehicle network or engaged in a prearranged ride;

2. Automobile insurance maintained by the on-demand autonomous vehicle network; or

3. A combination of subparagraphs 1. and 2.

(3) ADDITIONAL COVERAGE REQUIREMENTS.--

(a) For purposes of compliance with chapter 324, the owner or registrant of a fully autonomous vehicle, when the vehicle is not subject to subsection (2), must furnish proof of ability to respond in damages for the owner's or registrant's liability on account of crashes arising out of the use of a motor vehicle:

1. In the amount of \$1 million because of bodily injury to, or death of, one person in any one crash.

2. Subject to such limits for one person, in the amount of \$1 million because of bodily injury to, or death of, two or more persons in any one crash.

3. In the amount of \$1 million because of injury to, or destruction of, property of others in any one crash.

4. With respect to commercial motor vehicles and nonpublic sector buses that are fully autonomous vehicles, in the amounts specified in ss. 627.7415 and 627.742, respectively.

(b) This subsection is repealed on January 1, 2024.

Section 17. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.-- As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(82)(a) ~~s. 316.003(81)(a)~~ or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 18. This act shall take effect July 1, 2019.

Approved by the Governor June 13, 2019.

Filed in Office Secretary of State June 13, 2019.

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